

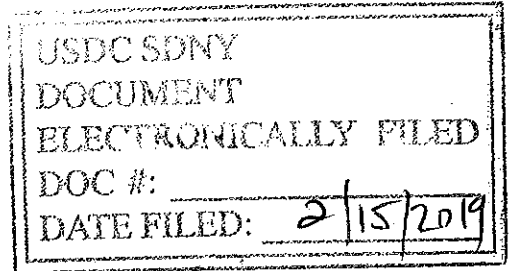
February 15, 2019

**MEMO ENDORSED**

BY ECF

Hon. Denise L. Cote  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1610  
New York, New York 10007

Re: *Khan v. U.S. Department of Defense et al.*,  
18 Civ. 5334 (DLC)



Dear Judge Cote:

In accordance with the Court's endorsement of the schedule set forth in the joint status report of October 26, 2018 (ECF No. 14), the parties in this Freedom of Information Act ("FOIA") action write respectfully to provide a report on the status of defendant United States Central Command's ("CENTCOM's") productions of records in response to Plaintiff Azmat Khan's FOIA requests.

This case involves three separate FOIA requests, submitted to CENTCOM on or about March 28, 2017 ("First Request"), January 19, 2018 ("Second Request"), and March 30, 2018 ("Third Request"), respectively, concerning reports of civilian casualties from specified airstrikes in Iraq and Syria during Operation Inherent Resolve. Plaintiff's First Request sought certain records regarding reported civilian casualties from 38 specified airstrikes. The Second Request sought records for 167 airstrikes, and the Third Request sought records for 1,184 airstrikes, as well as a document regarding certain Standard Operating Procedures ("SOP").

As previously reported to the Court, CENTCOM has completed its response to the First Request. On November 30, 2018, in response to the Second Request, CENTCOM partially released approximately 356 pages that it determined are not exempt from disclosure under one or more FOIA Exemptions, and also indicated where exhibits had been excluded from initial processing per the agreement of the parties. On February 1, 2019, CENTCOM released additional records or portions thereof responsive to the Second Request that it determined are not exempt from disclosure under one or more FOIA Exemptions, and similarly indicated where exhibits had been excluded from initial processing per the agreement of the parties. CENTCOM has now completed its response to the Second Request, although the parties continue to meet and confer regarding aspects of CENTCOM's productions.

CENTCOM has completed preliminary searches for all incidents associated with the Third Request and is currently reviewing over 3,000 potentially responsive records to correlate them with the incidents identified in the Third Request, and to identify the records that are to be processed pursuant to the parties' agreement and an overall page count of such records. CENTCOM will make its first production of records responsive to the Third Request on March 31, 2019, and will continue making productions every 60 days thereafter.

Respectfully,

/s/ Katie Townsend  
Katie Townsend  
The Reporters Committee for  
Freedom of the Press  
1156 15<sup>th</sup> Street NW  
Suite 1020  
Washington, D.C. 20005  
Phone: 202.795.9300  
Email: [ktownsend@rcfp.org](mailto:ktownsend@rcfp.org)

*Counsel for Plaintiff*

GEOFFREY S. BERMAN  
United States Attorney

/s/ Sarah S. Normand  
SARAH S. NORMAND  
Assistant United States Attorney  
Telephone: (212) 637-2709  
[sarah.normand@usdoj.gov](mailto:sarah.normand@usdoj.gov)

*Counsel for Defendants*

*A status report is due 6/10/19.*

*[Signature]*  
*2/15/19*